



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751  
July 6, 1999

Engineering/Planning Division  
Evaluation Branch

Mr. Jon C. Rittgers  
Acting Regional Administrator  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, Massachusetts 01930-2298

Dear Mr. Rittgers:

The U.S. Army Corps of Engineers, New England District, would like to respond to the Essential Fish Habitat recommendations in your letter of May 6, 1999, regarding the federal and municipal maintenance dredging in Wells Harbor, Wells, Maine. The National Marine Fisheries Service (NMFS), makes two Essential Fish Habitat conservation recommendations. They are as follows.

The first conservation recommendation states "No dredging should occur between the months of April 1 and August 31 of any year to avoid adverse impacts to the EFH of larval and juvenile winter flounder and windowpane flounder as well as juvenile white hake." The New England District agrees with this recommendation and will incorporate it into the construction of the project.

The second conservation recommendation states "Since EFH includes the water column, the Town dock facility should maintain a boat waste pump-out facility within the harbor to minimize water quality impacts associated with nutrient loading and pathogen contamination from boat discharges." Coordination with Mr. Shawn Mahaney of our Regulatory Division confirmed that the U.S. Army Corps of Engineers does not have the authority to require the Town of Wells to construct a pump out station. Much of the fleet at Wells Harbor is small craft, which do not have sanitary facilities on board. Also, the discharge of wastes by boats inshore is regulated by other Federal agencies such as the U.S. Coast Guard and the U.S. Environmental Protection Agency. Therefore, impacts to fisheries or the habitat in Wells Harbor should be nil or minimal if these rules are followed and enforced. In addition, due to the high cost of constructing a pump out facility, the uncertainty of the viability of the harbor due to the limited amount of dredging allowed, and the additional costs such as monitoring that the Town of Wells is required to fund, the Town of Wells has no plans at present to construct a pump out facility

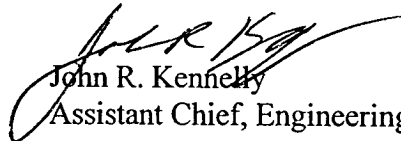
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until the viability of the harbor is, at minimum, proven. The Town of Wells has agreed to review the issue of a municipal pump out station again should the harbor prove viable and a program of periodic maintenance dredging of the entire harbor be approved following the five year post dredging monitoring period.

Any questions or comments can be addressed to Ms. Catherine Demos (978) 318-8231, or Mr. Mark Habel, the project manager, at (978) 318-8871.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Kennealy", is written over the printed name.

John R. Kennealy  
Assistant Chief, Engineering/Planning Division

Copy Furnished:

Mr. Jonathan Carter, Town Manager  
P.O. Box 398  
Wells, Maine 04090